

DEC 10 '09

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SURFACE TRANSPORTATION BOARD



December 10, 2009

Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Dear Section Chief:

Please find attached, one (1) copy of the Complete Release of Lien of Railroad Equipment Lease dated December 10, 2009 between the following parties:

Buffalo & Pittsburgh Railroad, Inc.
1200-C Scottsville Road
Rochester, NY 14624

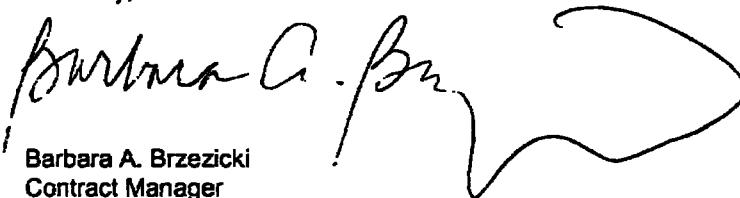
The David J. Joseph Company
300 Pike Street
Cincinnati, OH 45202

This filing is to appear in the index as follows: Complete Release of Lien of Railroad Equipment Lease dated December 10, 2009 related to eight (8) railcars bearing reporting marks: BPRR 7608 – 7615, inclusive.

Please file this as a secondary document under Recordation Number 24964-A as it relates to documents previously filed with the Surface Transportation Board under Recordation Number 24964. The filing fee in the amount of \$41.00 can be charged to our account.

Should you have any questions or need further information, please do not hesitate to contact me at (513) 419-6082.

Sincerely,



Barbara A. Brzezicki
Contract Manager

Enclosures

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**COMPLETE RELEASE OF LIEN
OF
RAILROAD EQUIPMENT LEASE**

SURFACE TRANSPORTATION BOARD

This Complete Release of Lien of Railroad Equipment Lease (the "Release") releases the lien created by that certain Memorandum of Railroad Equipment Lease Agreement dated as of March 29, 2004 (the "Lease") bearing Recordation No. 24964, between The David J. Joseph Company as Lessor ("Lessor") and Buffalo & Pittsburgh Railroad, Inc., as Lessee ("Lessee"), with respect to the eight (8) railcars as shown in Exhibit A attached hereto (hereinafter, the "Equipment").

WHEREAS, Lessor and Lessee executed the Lease Agreement relating to the Equipment. Such Lease Agreement is deemed terminated as of December 10, 2009.

WHEREAS, this Release pertains to all documents comprising the Lease.

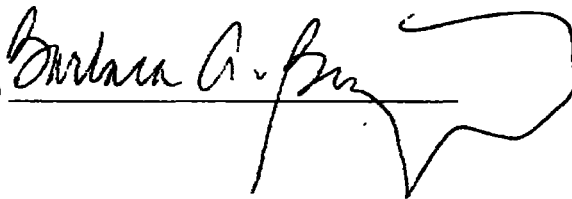
WHEREAS, this Release should be filed as a secondary document and receive Recordation No. 24964-A.

NOW, THEREFORE, in consideration of the premises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Lessor submits the following:

1. The Lessor hereby releases any liens created by or arising out of the Lease.
2. This Release shall be recorded with the Surface Transportation Board so as to record the release of the lien against the Equipment constituted by the Lease.

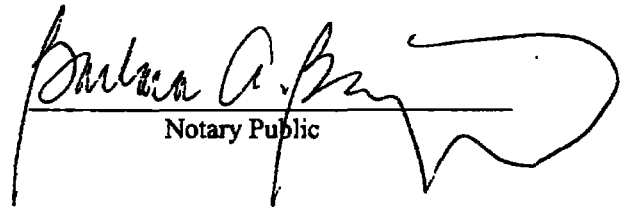
In witness whereof, the Lessor has caused this Release to be duly executed by its authorized officer as of this 10th day of December, 2009.

WITNESS:

THE DAVID J. JOSEPH COMPANYBy: Kelly C. PoelleinName: Kelly C. PoelleinTitle: Vice President Finance, Brokerage

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing Release of Lien of Lease Agreement was acknowledged before me this 10th day of December, 2009, by Kelly C. Poellein, the Vice President Finance, Brokerage of The David J. Joseph Company, a Delaware corporation, on behalf of the corporation.


Notary Public

My Commission expires:

2-20-11



BARBARA A. BRZEZICKI
Notary Public, State of Ohio
My Commission Expires 2-20-11

**RELEASE OF LIEN
EXHIBIT A**

Eight (8) railcars bearing reporting marks:

BPRR 7608 – 7615, inclusive